

DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES

BUSINESS & LABOR

EXHIBIT NO. 3

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BILL NO. HB 114



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Testimony on House Bill 114:

Jim Murphy, Bureau Chief of Communicable Disease Control and Prevention Bureau at the Department of Public Health and Human Services.

Introduction

Good morning Chairman Balyeat and members of the committee. My name is Jim Murphy. I am the Bureau Chief of Communicable Disease Control and Prevention Bureau at the Department of Public Health and Human Services.

Thank you for the opportunity to address this committee today on House Bill 114. I'd like to express our thanks to Representative Henry for sponsoring this legislation and to all of our partners in public health and state and local emergency services that helped create this bill.

On behalf of our Department, I am going to describe:

- why this legislation is needed to protect the health and safety of all Montanans,
- key provisions of the bill, and
- how it was created

As Representative Henry indicated, local and state partners in public health and emergency services have been working to improve our response to, and recovery from, a disaster. Our efforts began with examining our ability to prepare, detect, and respond to threats of bioterrorism, pandemic influenza, or other disease and health issues that can develop during and after a disaster. As a state we've made remarkable progress in our planning and response efforts. However, we recognize more needs to be done.

The Need for HB 114

HB 114 is necessary to help ensure that Montana can receive the outside support of "volunteer professionals" that may be needed during a Governor declared emergency or disaster. It is not hard to imagine that physicians, nurses or other licensed professionals

from neighboring states could be called on for support. Help may come in the form of a volunteer medical professional during an outbreak of disease or a mass-casualty event, or in the form of a professional engineer inspecting buildings or bridges after an earthquake. In these examples and others, we will need a system to recognize, register and protect those willing to volunteer. HB 114 provides us with the ability to create this system.

Key Provisions:

Key provisions of HB 114 allow for:

1. the recognition and registration of out of state professional licenses by the Department of Labor and Industry when needed during a declared emergency or disaster,
2. the ability to report misconduct and impose administrative sanctions in the event of misconduct, and
3. the extension of limited *immunity from liability* to a volunteer professional

In the case of this last provision, Title 10 already provides limited immunity, except in the case of willful misconduct, gross negligence, or bad faith, to local and state government workers and volunteer and auxiliary civil defense workers. We propose adding volunteer professionals to this list. Recently Montana was listed as one of eight states having inadequate protections for volunteer medical professionals by the *Trust for America's Health*. Lack of this protection is commonly cited as an obstacle to health professionals.

Creation of HB 114

HB114 is the result of more than three years of work with stakeholders and the public. Much of our effort was guided by a committee of medical, legal, public health, emergency services personnel, policymakers and the Model Public Health Act.

During this process, we've worked closely with several stakeholders, including:

- The Montana Public Health Association
- The Montana Environmental Health Association
- The Montana Board of Nursing
- Montana County Attorneys
- State and Local Disaster and Emergency Services
- Association of Montana Public Health Officials

We would like to express special thanks to the Department of Labor and Industry and state and local DES coordinators, all of whom are committed to helping us make this system work.

In closing, HB114 will help ensure Montana is prepared to respond to and recover from an emergency or disaster. Our ability to protect the state's citizens may depend on out-of-state assistance and we need a mechanism to quickly review and register qualified licensed individuals. HB114 will provide local and state responders with a valuable resource and will help protect the lives and property of every Montanan.

I'd be happy to answer any questions or address any concerns of the committee. Thank you.